

**Civil Minutes**

Time Set: 9:30 a.m.  
 Start Time: 9:31 a.m.  
 End Time: 11:10 a.m.

<u>Elegant Massage, LLC</u>	Civil Case Number:	<u>2:20cv265</u>
( X ) Plaintiff ( ) Government	Date:	<u>9/30/2021</u>
vs.	Presiding Judge:	<u>Robert J. Krask</u>
	Court Reporter	<u>Paul McManus, OCR</u>
<u>State Farm Mutual Automobile Insurance Company et al</u>	Courtroom Deputy:	<u>B. Titus</u>
Defendant(s)		

**Proceedings:**

The matter came on for a hearing on a Motion to Compel (ECF #174 and #181). Tyler Graden, William Monroe, and Marc Greco appeared on behalf of Plaintiff. Christina Sarchio and Jim Gaughan appeared on behalf of Defendant.

Comments and questions by the Court. Responses of counsel heard.

The Court DENIES Elegant Massage's motion to compel State Farm to provide additional information about the 60,000 documents returned using selected electronically stored information ("ESI") keywords that were deemed non-responsive to discovery requests. The Court ORDERS counsel for State Farm to file a supplemental response to the motion to compel on or before October 7, 2021, addressing whether State Farm conducted a search for ESI, irrespective of whether they contained ESI keywords.

The Court GRANTS the motion to compel audio recordings referenced in produced documents. Counsel for State Farm is DIRECTED to notify the undersigned on or before October 7, 2021, when the audio recordings can be produced.

The Court DENIES the request for entry of a validation protocol to ensure the documents identified by State Farm as non-relevant are not wrongfully being withheld.

The Court GRANTS the motion to compel State Farm to produce a privilege log that complies with the standards set forth in the Court's ESI Protocol, ECF No. 156.

The Court DENIES as untimely the motion to compel State Farm to designate a witness pursuant to Fed. R. Civ. P. 30(b)(6) to testify on its behalf with respect to several outstanding topics.

The Court GRANTS the motion to compel Elegant Massage to produce relevant WeChat communications, along with any attachments to the communications, in a text searchable format by October 14, 2021.

The Court GRANTS the motion to compel Elegant Massage to produce bank account statements from BB&T for May and June 2020.

The Court GRANTS in part the motion to compel Elegant Massage to produce additional responsive documents. Counsel for Elegant Massage is DIRECTED to contact Elegant Massage's accountant and leasing agent to obtain and produce any responsive documents by October 14, 2021.

The Court DENIES the motion to compel Elegant Massage to produce a supplemental privilege log.

Court to prepare an order. Court adjourned.